

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY DEWAYNE LEE TURNER,
Petitioner,
v.
PEOPLE OF THE STATE OF CALIF.,
Respondent.

No. 2:20-cv-1370 JAM DB P

ORDER

Petitioner is a state prisoner who was proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On October 7, 2020, the court: (1) dismissed the petition without prejudice for petitioner's failure to exhaust his state court remedies, (2) denied a certificate of appealability, and (3) entered judgment. (ECF Nos. 11, 12.) On December 17, 2020, petitioner filed a document in which he seeks reconsideration of the denial of a certificate of appealability. Petitioner provides no basis upon which the court would reconsider its prior order. Accordingly, the motion will be denied.

Petitioner is advised that Ninth Circuit Rule 22-1 provides the following instructions regarding moving for a certificate of appealability ("COA") in the Ninth Circuit Court of Appeals:

(d) Denial in Full by District Court. If the district court denies a COA as to all issues, appellant may file a request for a COA in the court of appeals within 35 days of the filing of a notice of appeal or amended

1 notice of appeal, or the district court's denial of a COA in full,
2 whichever is later. The notice of appeal must be timely filed pursuant
3 to 28 U.S.C. § 2107 and FRAP 4(a), regardless of whether appellant
4 files a request for COA. If appellant does not file a COA request with
the court of appeals after the district court denies a COA in full, the
court of appeals will deem the notice of appeal to constitute a request
for a COA.

5 For the foregoing reasons, IT IS HEREBY ORDERED that petitioner's motion for
6 reconsideration (ECF No. 13) is denied.

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9 DATED: January 27, 2021

/s/ John A. Mendez

10 THE HONORABLE JOHN A. MENDEZ
11 UNITED STATES DISTRICT COURT JUDGE
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